

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

Chapter 4 – Animals

Article III. Feral Cats

Sec. 4-11. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal control agency means any agency or person, including an animal control officer, authorized by law to implement animal control laws and provide animal care and control on behalf of the Town.

Animal welfare organization means any charitable corporation whose purpose includes promotion of animal welfare and that has been granted 501c3 nonprofit status by the Internal Revenue Service.

Caregiver means any person who regularly provides food and water to a feral cat colony approved through and in compliance with the requirements of this ordinance.

Ear tipped means a mark identifying a feral or stray cat as having been sterilized, specifically the removal of a quarter inch off the tip of the cat's ear in a straight line cut while the cat is anesthetized.

Feeding station means a small area with an established purpose of putting out food and water for a feral cat colony.

Feral cat means a cat that is not socialized to humans and is not an owned cat.

Feral cat colony and *colony* means a group of greater than six feral or stray cats that congregate, more or less, together as a unit and share a common food source.

Feral cat sanctuary means an enclosure designed to and which contains a feral cat colony within the bounds of the sanctuary.

Nuisance as defined:

1. Conduct by feral or stray cats that: (a) disturbs the peace, including habitually or continually howling or making loud noises; and (b) destroys property; (c) get into or turn over any solid waste container or trash can; (d) walk on, sleep on, or scratch a vehicle or other property owned by someone or some entity other than the owner of the cat; damages real or personal property owned by someone or some entity other than the owner of the cat; (f) defecate and/or urinate upon property owned by someone or some entity other than the owner of the cat;

2. It shall also constitute a nuisance to: (a) keep feral or stray cats in violation of this ordinance; (b) to keep or maintain feral or stray cats in unsanitary conditions so as to be offensive to sight or smell or resulting in infestations of fleas, ticks or other vermin; (c) fail to confine a feral cat in estrus from other domestic cats.

Owned cat means a cat that is a companion to a person, is regularly fed and sheltered within that same person's habitation and carries visible indicia of ownership, including a collar, tag or microchip.

Shelter means a structure that provides feral and stray cats with protection from cold, rain and other weather-related elements.

Sterilize means to spay or neuter.

Stray cat means a cat that is socialized to humans and is not an owned cat.

TNR means the method of managing feral and stray cats known as Trap-Neuter-Return, pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, and returned to the location authorized in accordance with this ordinance.

Sec. 4-12. Intent.

It is the intent of this ordinance to permit and establish the requirements regarding the keeping of feral cats in order to reduce the population of feral cats, benefiting public health, improving the quality of life for residents and visitors, and ensuring the humane treatment of feral cats.

Sec. 4-13. Management of feral cats.

Caregivers shall be entitled to maintain feral cat colonies in accordance with the terms and conditions of this ordinance. Populations must be maintained in manageable numbers not to exceed 1 cat per 1000 square feet of property upon which the cats are to be located. Feral cat sanctuaries as defined in Sec. 4-11 shall not exceed 1 cat per 500 square feet of property.

Sec. 4-14. Caregiver responsibilities and requirements.

(a) All caregivers shall:

1. Adhere to the standards of care established in Section 4-15 of this ordinance;
2. Maintain records of all feral cat colonies managed by their caregivers pursuant to the requirements of Section 4-14;
3. Ensure that all animals shall be sterilized and vaccinated;
4. Maintain records provided by caregivers on the size and location of colonies, as well as vaccination and sterilization records of cats in the colonies;
5. Assume all medical costs in relation to their colonies;
6. Help resolve any complaints regarding the conduct of caregivers;
7. Make reasonable efforts to trap all cats in a colony and have all trapped cats sterilized, vaccinated against rabies, and eartipped by a licensed veterinarian;

8. Make a reasonable effort to recapture all cats to update rabies vaccinations, as required by law;
 9. Keep and maintain vaccination, sterilization, and medical records for all trapped cats; and
 10. Make a reasonable effort to trap and obtain proper medical attention for a colony cat that appears to require it.
- (b) Caregivers shall keep and maintain individual animal vaccination and sterilization records and shall make them accessible to the Dare County Animal Control and Kitty Hawk Police Department upon their request. In addition, caregivers shall maintain and keep the following information and shall make it accessible to the Dare County Animal Control and Kitty Hawk Police Department upon their request:
1. Total number of colonies in Kitty Hawk;
 2. Location of all colonies; and
 3. Individual colony reports including:
 - a. Total number of cats in the colony and total number of cats in that colony that are sterilized;
 - b. Number of cats that were sterilized and vaccinated over the past year;
 - c. Number of cats and kittens removed from the colony that year for adoptive purposes;
 - d. Number of cats and kittens that died over that year; and
 - e. Number of cats and kittens that have otherwise left the colony.
- (c) Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00.

Sec. 4-15. Colony location and care requirements

- (a) Cat colonies
1. Caregivers shall provide adequate food and water to the colonies. Adequate feed is not to exceed $\frac{1}{2}$ of a cup of dry cat food per cat per day. If feeding anything other than dry cat food, provisions shall be reduced to maintain proper population control. Over-feeding and other increased resources result in higher population sustainability. In the winter months slightly more food may be given, provided population management remains level.
 2. Food is not to be left down more than two (2) hours a day in an effort to reduce resources for new animals and optimize health standards of the colony.
 3. Cats appearing unhealthy or containing serious and contagious illnesses may not be returned to the colonies unless illness has been resolved through veterinary care.
 4. Colony locations shall be upon property owned by the caregiver or upon property for which the caregiver has written permission from the property owner.
 5. Feeding stations and shelters shall be no less than 100 yards from property for which permission to maintain a colony has not been obtained.

6. Colonies are not permitted on federally protected wildlife preserves and shall be maintained a reasonable distance from such preserves.
7. When providing structures for cat colonies they shall be in a location safeguarded from the public.
8. Feeding stations and feeding of feral cats shall not take place on Town owned property. Colonies maintained on properties within 100 yards of Town owned property require written approval by the Town Manager or his/her designee.

(b) Feral cat sanctuaries

1. Feral cat sanctuaries are structures built for containing a feral cat colony within the structure and shall adhere to the same standards and requirements as established in Section 4-14 and 4-15(a) of this ordinance.
2. In addition, feral cat sanctuaries shall be inspected annually by a representative of the Dare County Animal Control. Feral cat sanctuary caregivers are also required to grant a Dare County Animal Control representative access to the property upon written notice. Admittance to the property shall be granted within 3 business days of notice from the Kitty Hawk Police Department or Dare County Animal Control.

(c) Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00.

Sec. 4-16. Withdrawal of caregiver.

1. In the event that a caregiver of a colony is unable or unwilling to continue in that role, he or she shall notify the Dare County Animal Control and Kitty Hawk Police Department in writing and shall make reasonable efforts to secure a replacement caregiver.
2. Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00.

Sec. 4-17 Disposition of colony cats.

Caregivers shall notify Dare County Animal Control when colony cats are missing. When the Dare County Animal Control has trapped or received an ear tipped cat, they shall take reasonable steps to notify all caregivers, if known, of the description and sex of the cat and of the address or location where the cat was captured. Caregivers shall have up to 72 hours after notification to arrange for the cat to be retrieved.

Sec. 4-18 Enforcement.

Dare County Animal Control and Kitty Hawk Police Department within jurisdiction shall have the right to:

1. Investigate and enforce any violation of this ordinance and/or any nuisance complaint allegedly caused by a feral or stray cat or feral cat colony;

- a. If it is found that a feral or stray cat or feral cat colony is causing a nuisance, the caregiver, if known, shall be given written notice delineating the nuisance and location of the cat or colony with specificity.
 - b. If the cat or cats belonging to a feral cat colony is causing a nuisance, then the caregiver of the colony shall have ten (10) days from the date that written notice was provided pursuant to Section 4-18(1) to cure the nuisance. If the caregiver fails to cure the nuisance within ten (10) days, an Animal Control Agency shall remove the offending cat or cats.
2. Reassign caregiver responsibility of feral cat colonies if the caregiver repeatedly fails to comply with the requirements of Section 4-14(a) and 4-14(b) and the caregiver does not correct the situation within ten (10) days of being given written notice delineating its failures with specificity.
3. Upon complaint of a property owner, remove a feral cat without notice, from the property of the complaining property owner.
4. Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00.

Sec. 4-19 Grace period.

1. If Dare County Animal Control or the Kitty Hawk Police Department locates or becomes aware of a feral cat colony, reasonable efforts shall be made by the Police Department to provide written notice to the caregiver of the colony, if known, of the requirements of Section 4-14(a) and Section 4-14(b) of this ordinance.
2. Upon receipt of written notice as set forth in Section 4-18, a caregiver of a feral cat colony shall have thirty (30) days to comply with Sections 4-14(a) and 4-14(b) of this ordinance. During the thirty (30) day period, no cat from the colony shall be removed by an Animal Control Agency, Dare County Animal Control or the Kitty Hawk Police Department for reason of causing a nuisance, unless such cat or colony is upon the property of another, without that persons written permission and from whom a complaint has been received, in which case, the cat(s) or the cat colony shall be removed without notice.

Sec. 4-20 Public responsibility.

1. No person shall harass feral cats or feral cat colonies compliant with this ordinance and not located upon their property or the property upon which they are a tenant.
2. No person shall harass or prevent a caregiver's ability to care for a compliant cat colony.
3. No person shall dump out, remove/move, or disturb any food/water at any compliant cat colony.
4. If members of the public feel a caregiver is out of compliance with this ordinance, they are to report such delinquencies to the Kitty Hawk Police Department.
5. Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00.

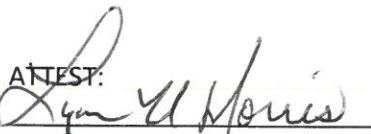
Sec. 4-21 Responsibilities of owners of domesticated cats


1. Owners should take reasonable precautions to identify their cat as owned. These precautions

include providing the cat with a microchip, collar, or tag. Collar and tags are required to be worn by cats, pursuant to N.C.G.S. 130A-190.

2. Owners of domesticated cats shall take reasonable precautions not to allow unsterilized cats to roam at large.
3. Owners of domesticated cats shall take reasonable precautions not to allow their cat(s) to act as a public nuisance.
4. Owners of domesticated cats shall not abandon their cats.
5. When feeding outdoors, owners of domesticated cats shall not allow the food to be available for more than 2 hours per day in an effort to reduce the resources for other animals.
6. Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00.

This ordinance amending the Kitty Hawk Town Code shall take effect the 6th day of June, 2016. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 6th day of June, 2016, by a vote of 5 in favor and 0 opposed.

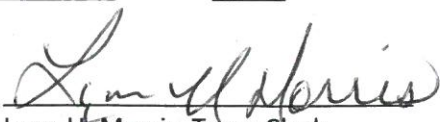
ATTEST:

Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor

APPROVED AS TO FORM:

Steve Michael, Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in the Kitty Hawk Ordinance Book on the 29th day of June, 2016, at 11 o'clock a.m.


Lynn U. Morris, Town Clerk